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From: jeffrey@thefirm.com
To: EDSchindler@att.net
Cc: bruce@thefirm.com
Subject: Re: E-Mail Service of Ecuabeverage's Rule 11 Motion for Sanctions (April 15, 2008)
Date: Tue, 15 Apr 2008 18:13:28 +0000

thank you
will review and discuss
All the best
Jeffrey
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-----Original Message-----

From: EDSchindler@att.net [mailto:EDSchindler@att.net]
Sent: Tuesday, April 15, 2008 02:10 PM
To: jeffrey@thefirm.com
Cc: bruce@thefirm.com
Subject: E-Mail Service of Ecuabeverage's Rule 11 Motion for Sanctions (April 15, 2008)

Jeffrey,

On behalf of Defendant Ecuabeverage Corporation, attached to this e-mail, is a complete copy of *Defendant Ecuabeverage Corporation's Motion for Sanctions, Pursuant to Fed.R.Civ.P. 11*, along with all supporting papers and exhibits.

Ecuabeverage's Rule 11 Motion for Sanctions has NOT been filed with the Court at this time!

Brooklyn Bottling's claims for federal trademark infringement under 15 U.S.C. §1114 (Counts I and II of the *Amended Complaint*), and its related claim for "prohibited importation" under 19 U.S.C. §1526 (Count VI of the *Amended Complaint*), which necessarily requires a finding of liability against Ecuabeverage for allegedly infringing the registered trademark, "TROPICAL PURO SABOR NACIONAL," are factually baseless and legally frivolous, as explained in Ecuabeverage's *Motion for Partial Summary Judgment on Counts I, II and VI of the Amended Complaint*, which has now been fully briefed, and in the attached *Motion for Sanctions, Pursuant to Fed.R.Civ.P. 11*.

In accordance with Federal Rule of Civil Procedure 11, Ecuabeverage's Rule 11 motion has not been filed with the Court at this time, but will be filed after 21 days, **unless Brooklyn Bottling files a Notice with the Court unconditionally withdrawing, or dismissing, Counts I, II and VI of the Amended Complaint, with prejudice.**

A complete copy of Ecuabeverage's *Motion for Sanctions, Pursuant to Fed.R.Civ.P. 11*, is also being sent via First Class Mail to you on this date.

Sincerely,

Ed Schindler

EXHIBIT 1